

AMERICA'S HISTORICAL AND NATURAL LEGACY STUDY
ACT

DECEMBER 4, 2007.—Committed to the Committee of the Whole House on the State
of the Union and ordered to be printed

Mr. RAHALL, from the Committee on Natural Resources,
submitted the following

R E P O R T

together with

DISSENTING VIEWS

[To accompany H.R. 3998]

[Including cost estimate of the Congressional Budget Office]

The Committee on Natural Resources, to whom was referred the bill (H.R. 3998) to authorize the Secretary of the Interior to conduct special resources studies of certain lands and structures to determine the appropriate means for preservation, use, and management of the resources associated with such lands and structures, having considered the same, report favorably thereon with an amendment and recommend that the bill as amended do pass.

The amendment is as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as “America’s Historical and Natural Legacy Study Act”.

SEC. 2. SECRETARY.

For the purposes of this Act, the term “Secretary” means the Secretary of the Interior.

SEC. 3. TABLE OF CONTENTS.

The table of contents is as follows:

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Sec. 202. Definitions.
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TITLE III—BATTLE OF MATEWAN STUDY ACT

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TITLE VI—FORT SAN GERONIMO STUDY ACT

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TITLE VII—WOLF HOUSE STUDY ACT

Sec. 701. Short title.
Sec. 702. Special resource study.

TITLE VIII—RIM OF THE VALLEY CORRIDOR STUDY ACT

Sec. 801. Short title.
Sec. 802. Special resource study.

TITLE IX—STRANAHAN HOUSE, TRADING POST AND CAMPSITE STUDY ACT

Sec. 901. Short title.
Sec. 902. Special resource study.

TITLE X—BUTTERFIELD OVERLAND TRAIL STUDY ACT

Sec. 1001. Short title.
Sec. 1002. Special resource study.

TITLE I—HARRY S TRUMAN BIRTHPLACE STUDY ACT

SEC. 101. SHORT TITLE.

This title may be cited as the “Harry S Truman Birthplace Study Act”.

SEC. 102. SPECIAL RESOURCE STUDY.

(a) IN GENERAL.—The Secretary shall complete a special resource study of the Harry S Truman Birthplace State Historic Site in Lamar, Missouri to determine—

(1) the suitability and feasibility of adding the birthplace site to the Harry S Truman National Historic Site or designating the site as a separate unit of the National Park System; and

(2) the methods and means for the protection and interpretation of the Harry S Truman Birthplace State Historic Site by the National Park Service, other Federal, State, or local government entities or private or non-profit organizations.

(b) STUDY REQUIREMENTS.—The Secretary shall conduct the study in accordance with section 8(c) of Public Law 91–383 (16 U.S.C. 1a–5).

(c) REPORT.—Not later than 3 years after the date on which funds are made available to carry out this Act, the Secretary shall submit to the Committee on Natural Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate a report containing—

- (1) the results of the study; and
- (2) any recommendations of the Secretary.

TITLE II—LEWIS AND CLARK NATIONAL HISTORIC TRAIL EXTENSION STUDY ACT

SEC. 201. SHORT TITLE.

This title may be cited as the “Lewis and Clark National Historic Trail Extension Study Act”.

SEC. 202. DEFINITIONS.

In this title:

(1) **EASTERN LEGACY SITES.**—The term “Eastern Legacy sites” means the sites associated with the preparation or return phases of the Lewis and Clark expedition, commonly known as the “Eastern Legacy”, including sites in Virginia, the District of Columbia, Maryland, Delaware, Pennsylvania, West Virginia, Ohio, Kentucky, Tennessee, Indiana, Missouri, and Illinois. This includes the routes followed by Meriwether Lewis and William Clark, whether independently or together.

(2) **TRAIL.**—The term “Trail” means the Lewis and Clark National Historic Trail designated by section 5(a)(6) of the National Trails System Act (16 U.S.C. 1244(a)(6)).

SEC. 203. SPECIAL RESOURCE STUDY.

(a) **IN GENERAL.**—The Secretary shall complete a special resource study of the Eastern Legacy sites to determine—

(1) the suitability and feasibility of adding these sites to the Trail; and

(2) the methods and means for the protection and interpretation of these sites by the National Park Service, other Federal, State, or local government entities or private or non-profit organizations.

(b) **STUDY REQUIREMENTS.**—The Secretary shall conduct the study in accordance with section 5(b) of the National Trails System Act (16 U.S.C. 1244(b)).

(c) **REPORT.**—Not later than 3 years after the date on which funds are made available to carry out this title, the Secretary shall submit to the Committee on Natural Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate a report containing—

(1) the results of the study; and

(2) any recommendations of the Secretary.

TITLE III—BATTLE OF MATEWAN STUDY ACT

SEC. 301. SHORT TITLE.

This title may be cited as the “Battle of Matewan Study Act”.

SEC. 302. SPECIAL RESOURCE STUDY.

(a) **IN GENERAL.**—The Secretary shall complete a special resource study of the sites and resources at Matewan, West Virginia, associated with the Battle of Matewan (also known as the Matewan Massacre) of May 19, 1920 to determine—

(1) the suitability and feasibility of designating certain historic areas of Matewan, West Virginia as a unit of the National Park System; and

(2) the methods and means for the protection and interpretation of these sites by the National Park Service, other Federal, State, or local government entities or private or non-profit organizations.

(b) **STUDY REQUIREMENTS.**—The Secretary shall conduct the study in accordance with section 8(c) of Public Law 91–383 (16 U.S.C. 1a–5).

(c) **REPORT.**—Not later than 3 years after the date on which funds are made available to carry out this title, the Secretary shall submit to the Committee on Natural Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate a report containing—

(1) the results of the study; and

(2) any recommendations of the Secretary.

TITLE IV—BATTLE OF CAMDEN STUDY ACT

SEC. 401. SHORT TITLE.

This title may be cited as the “Battle of Camden Study Act”.

SEC. 402. SPECIAL RESOURCE STUDY.

(a) **IN GENERAL.**—The Secretary shall complete a special resource study of the site of the Battle of Camden fought in South Carolina on August 16, 1780, and the site of Historic Camden, which is currently a National Park System Affiliated Area, to determine—

(1) the suitability and feasibility of designating these sites as a unit or units of the National Park System; and

(2) the methods and means for the protection and interpretation of these sites by the National Park Service, other Federal, State, or local government entities or private or non-profit organizations.

(b) **STUDY REQUIREMENTS.**—The Secretary shall conduct the study in accordance with section 8(c) of Public Law 91–383 (16 U.S.C. 1a–5).

(c) **REPORT.**—Not later than 3 years after the date on which funds are made available to carry out this title, the Secretary shall submit to the Committee on Natural Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate a report containing—

- (1) the results of the study; and
- (2) any recommendations of the Secretary.

TITLE V—MISSISSIPPI RIVER STUDY ACT

SEC. 501. SHORT TITLE.

This title may be cited as the “Mississippi River Study Act”.

SEC. 502. SPECIAL RESOURCE STUDY.

(a) **IN GENERAL.**—The Secretary shall complete a special resource study along the route of the Mississippi River in the counties contiguous to the river from its headwaters in the State of Minnesota to the Gulf of Mexico to evaluate—

- (1) a range of alternatives for protecting and interpreting the resources along the route of the Mississippi River, including alternatives for potential addition of all or portions of the route to the National Trails System; and
- (2) the methods and means for the protection and interpretation of the route by the National Park Service, other Federal, State, or local government entities or private or non-profit organizations.

(b) **STUDY REQUIREMENTS.**—The Secretary shall conduct the study in accordance with section 8 (c) of Public Law 91–383 (16 U.S.C. 1a–5) or section 5(b) of the National Trails System Act (16 U.S.C. 1244(b)) as appropriate.

(c) **REPORT.**—Not later than 3 years after the date on which funds are made available to carry out this title, the Secretary shall submit to the Committee on Natural Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate a report containing—

- (1) the results of the study; and
- (2) any recommendations of the Secretary.

TITLE VI—FORT SAN GERONIMO STUDY ACT

SEC. 601. SHORT TITLE.

This title may be cited as the “Fort San Gerónimo Study Act”.

SEC. 602. DEFINITIONS.

For the purposes of this title:

(1) **FORT SAN GERÓNIMO.**—The term “Fort San Gerónimo” (also known as “Fortín de San Gerónimo del Boquerón”) means the fort and grounds listed on the National Register of Historic Places and located near Old San Juan, Puerto Rico.

(2) **RELATED RESOURCES.**—The term “related resources” means other parts of the fortification system of old San Juan that are not currently included within the boundary of San Juan National Historic Site, such as sections of the City Wall or other fortifications.

SEC. 603. SPECIAL RESOURCE STUDY.

(a) **IN GENERAL.**—The Secretary shall complete a special resource study of Fort San Gerónimo and other related resources, to determine—

(1) the suitability and feasibility of including Fort San Gerónimo and other related resources in the Commonwealth of Puerto Rico as part of San Juan National Historic Site; and

(2) the methods and means for the protection and interpretation of Fort San Gerónimo and other related resources by the National Park Service, other Federal, State, or local government entities or private or non-profit organizations.

(b) **STUDY REQUIREMENTS.**—The Secretary shall conduct the study in accordance with section 8(c) of Public Law 91–383 (16 U.S.C. 1a–5).

(c) **REPORT.**—Not later than 3 years after the date on which funds are made available to carry out this title, the Secretary shall submit to the Committee on Natural Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate a report containing—

- (1) the results of the study; and
- (2) any recommendations of the Secretary.

TITLE VII—WOLF HOUSE STUDY ACT

SEC. 701. SHORT TITLE.

This title may be cited as the “Wolf House Study Act”.

SEC. 702. SPECIAL RESOURCE STUDY.

(a) **IN GENERAL.**—The Secretary shall complete a special resource study of the Wolf House located on Highway 5 in Norfolk, Arkansas, to determine—

(1) the suitability and feasibility of designating the Wolf House as a unit of the National Park System; and

(2) the methods and means for the protection and interpretation of the Wolf House by the National Park Service, other Federal, State, or local government entities or private or non-profit organizations.

(b) **STUDY REQUIREMENTS.**—The Secretary shall conduct the study in accordance with section 8(c) of Public Law 91–383 (16 U.S.C. 1a–5).

(c) **REPORT.**—Not later than 3 years after the date on which funds are made available to carry out this title, the Secretary shall submit to the Committee on Natural Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate a report containing—

(1) the results of the study; and

(2) any recommendations of the Secretary.

TITLE VIII—RIM OF THE VALLEY CORRIDOR STUDY ACT

SEC. 801. SHORT TITLE.

This title may be cited as the “Rim of the Valley Corridor Study Act”.

SEC. 802. SPECIAL RESOURCE STUDY.

(a) **IN GENERAL.**—The Secretary shall complete a special resource study of the area known as the Rim of the Valley Corridor, generally including the mountains encircling the San Fernando, La Crescenta, Santa Clarita, Simi, and Conejo Valleys in California, to determine—

(1) the suitability and feasibility of designating all or a portion of the corridor as a unit of the Santa Monica Mountains National Recreation Area; and

(2) the methods and means for the protection and interpretation of this corridor by the National Park Service, other Federal, State, or local government entities or private or non-profit organizations.

(b) **DOCUMENTATION.**—In conducting the study authorized under subsection (a), the Secretary shall document—

(1) the process used to develop the existing Santa Monica Mountains National Recreation Area Fire Management Plan and Environmental Impact Statement (September 2005); and

(2) all activity conducted pursuant to the plan referred to in paragraph (1) designed to protect lives and property from wildfire.

(c) **STUDY REQUIREMENTS.**—The Secretary shall conduct the study in accordance with section 8(c) of Public Law 91–383 (16 U.S.C. 1a–5).

(d) **REPORT.**—Not later than 3 years after the date on which funds are made available to carry out this title, the Secretary shall submit to the Committee on Natural Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate a report containing—

(1) the results of the study; and

(2) any recommendations of the Secretary.

TITLE IX—STRANAHAN HOUSE, TRADING POST AND CAMPSITE STUDY ACT

SEC. 901. SHORT TITLE.

This title may be cited as the “Stranahan House, Trading Post and Campsite Study Act”.

SEC. 902. SPECIAL RESOURCE STUDY.

(a) **IN GENERAL.**—The Secretary shall complete a special resource study of the Stranahan House, located at 335 S.E. 6th Avenue, Fort Lauderdale, Florida, as well

as the adjacent property at 500 East Las Olas Boulevard, where portions of the trading post and the campsite were located, to determine—

(1) the suitability and feasibility of designating these sites as a unit of the National Park System; and

(2) the methods and means for the protection and interpretation of these sites by the National Park Service, other Federal, State, or local government entities or private or non-profit organizations.

(b) **STUDY REQUIREMENTS.**—The Secretary shall conduct the study in accordance with section 8(c) of Public Law 91–383 (16 U.S.C. 1a–5).

(c) **REPORT.**—Not later than 3 years after the date on which funds are made available to carry out this title, the Secretary shall submit to the Committee on Natural Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate a report containing—

(1) the results of the study; and

(2) any recommendations of the Secretary.

TITLE X—BUTTERFIELD OVERLAND TRAIL STUDY ACT

SEC. 1001. SHORT TITLE.

This title may be cited as the “Butterfield Overland Trail Study Act”.

SEC. 1002. SPECIAL RESOURCE STUDY.

(a) **IN GENERAL.**—The Secretary shall complete a special resource study along the “Ox-Bow Route” of the Butterfield Overland Trail in the States of Missouri, Tennessee, Arkansas, Oklahoma, Texas, New Mexico, Arizona, and California to evaluate—

(1) a range of alternatives for protecting and interpreting the resources of the trail area, including alternatives for potential addition of the trail area to the National Trails System; and

(2) the methods and means for the protection and interpretation of this trail by the National Park Service, other Federal, State, or local government entities or private or non-profit organizations.

(b) **STUDY REQUIREMENTS.**—The Secretary shall conduct the study in accordance with section 8(c) of Public Law 91–383 (16 U.S.C. 1a–5) or section 5(b) of the National Trails System Act (16 U.S.C. 1244(b)) as appropriate.

(c) **REPORT.**—Not later than 3 years after the date on which funds are made available to carry out this title, the Secretary shall submit to the Committee on Natural Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate a report containing—

(1) the results of the study; and

(2) any recommendations of the Secretary.

TITLE XI—HUNTING AND FISHING

SEC. 1101. HUNTING AND FISHING.

Each study authorized by this Act shall document the State and local laws governing hunting and fishing within the study area.

TITLE XII—SENSE OF CONGRESS

SEC. 1201. SENSE OF CONGRESS.

It is the sense of Congress that any subsequent legislation affecting the status of the areas subject to the special resources studies authorized under this Act shall be supported by the results of the relevant studies authorized by this Act.

PURPOSE OF THE BILL

The purpose of H.R. 3998 is to authorize the Secretary of the Interior to conduct special resource studies of certain lands and structures to determine the appropriate means for preservation, use, and management of the resources associated with such lands and structures.

BACKGROUND AND NEED FOR LEGISLATION

H.R. 3998 combines ten special resource study bills, each of which has previously been the subject of hearings by the Subcommittee on National Parks, Forests and Public Lands. The bill directs the Secretary of the Interior to conduct special resource studies of each of these sites or trails to determine the appropriate means for preservation, use and management of the resources, including possible inclusion within the National Park System or National Trails System. The bill requires the Secretary to complete each study three years after funds are made available.

The language in H.R. 3998 has been standardized for consistency with Section 8(c) of the National Park System General Authorities Act (Public Law 91-383), which governs studies of areas for potential addition to the National Park System, and Section 5(b) of the National Trails System Act (Public Law 90-543), which governs studies of trails for potential addition to the National Trails System.

Four special resource studies in the bill evaluate sites for potential inclusion as new units in the National Park System: the site of the battle of Camden in South Carolina and the site of the Battle of Matewan in West Virginia, the Wolf House in Arkansas and the Stranahan House in Florida.

Three special resource studies in the bill evaluate sites for potential addition to existing National Park System units: the Harry S Truman Birthplace for potential addition to the Harry S Truman National Historic Site in Missouri, Fort San Gerónimo for potential addition to San Juan National Historic Site in Puerto Rico and the Rim of the Valley Corridor for potential addition to Santa Monica Mountains National Recreation Area in California.

Two special resource studies in the bill evaluate routes for potential addition to the National Trails System: the proposed Butterfield Overland Trail from Tennessee to California and the proposed Mississippi River Trail from Minnesota to the Gulf of Mexico.

Finally, the bill includes a study of potential additions to the existing Lewis and Clark National Historic Trail.

COMMITTEE ACTION

On June 14, 2007, the Subcommittee on National Parks, Forests and Public Lands held a hearing on the original bills for the Wolf House (H.R. 442, introduced by Representative Berry [D-AR]) and the Rim of the Valley Corridor additions to Santa Monica Mountains National Recreation Area in California (H.R. 1835, introduced by Representative Schiff [D-CA]).

On July 19, 2007, the Subcommittee held a hearing on the original bills for the Battle of Camden site in South Carolina (H.R. 1674, introduced by Representative Spratt [D-SC]) and the Butterfield Overland Trail (H.R. 1266, introduced by Representative Boozman [R-AR]).

On October 30, 2007, the Subcommittee held a hearing on the original bills for the Harry S Truman Birthplace addition to Harry S Truman National Historic Site (H.R. 3265, introduced by Representative Skelton [D-MO]); the Eastern Legacy additions to the Lewis and Clark National Historic Trail (H.R. 3616, introduced by

Representative Emerson [R–MO]); the Battle of Matewan site (H.R. 3821, introduced by Natural Resources Committee Chairman Rahall [D–WV]); the Fort San Gerónimo addition to San Juan National Historic Site in Puerto Rico (H.R. 1545, introduced by Representative Fortuño [R–PR]) and Stranahan House (H.R. 3120, introduced by Representative Wasserman Schultz [D–FL]).

Representative McCollum (D–MN) introduced H.R. 2482, to study a possible trail along the Mississippi River from Minnesota to the Gulf of Mexico on May 31, 2007. A similar bill, H.R. 1796, the Mississippi River Trail Study Act, passed the House in the 109th Congress.

Legislation combining these measures, H.R. 3998, was introduced on October 30, 2007, by Subcommittee Chairman Raúl Grijalva (D–AZ). The bill was referred to the Committee on Natural Resources.

On November 7, 2007, the Full Natural Resources Committee met to consider the bill. Representative Flake (R–AZ) offered an en bloc amendment to strike Titles V (Mississippi River) and VIII (Rim of the Valley). The amendment was not agreed to by a rollcall vote of 9 yeas and 18 nays, as follows:

COMMITTEE ON NATURAL RESOURCES
U.S. House of Representatives
110th Congress

Date: November 7, 2007

Convened:

Adjourned

Meeting on: **Markup of 3998 - En Bloc Amendment offered by Mr. Flake (#1 and #2), WAS NOT AGREED TO by a roll call vote of 9 Yeas and 18 nays.**

☑ Recorded Vote

Vote # 1

Total: Yeas: 9

Nays: 18

MEMBERS	Yea	Nay	Pres	MEMBERS	Yea	Nay	Pres
Mr. Rahall, WV		✓		Mr. Jindal, LA			
Mr. Young, AK	✓			Mrs. Bordallo, Guam		✓	
Mr. Miller, CA				Mr. Gohmert, TX			
Mr. Saxton, NJ				Mr. Costa, CA		✓	
Mr. Markey, MA				Mr. Cole, OK			
Mr. Gallegly, CA				Mr. Boren, OK			
Mr. Kildee, MI		✓		Mr. Bishop, UT	✓		
Mr. Duncan, TN				Mr. Sarbanes, MD		✓	
Mr. DeFazio, OR		✓		Mr. Shuster, PA			
Mr. Gilchrest, MD				Mr. Hinchey, NY			
Mr. Faleomavaega, AS				Mr. Heller, NV	✓		
Mr. Cannon, UT	✓			Mr. Kennedy, RI		✓	
Mr. Abercrombie, HI		✓		Mr. Sali, ID	✓		
Mr. Tancredo, CO	✓			Mr. Kind, WI		✓	
Mr. Ortiz, TX				Mr. Lamborn, CO	✓		
Mr. Flake, AZ				Mrs. Capps, CA		✓	
Mr. Pallone, NJ		✓		Ms. Fallin, OK			
Mr. Pearce, NM				Mr. Inslee, WA		✓	
Mrs. Christensen, VI				Vacancy			
Mr. Brown, SC	✓			Mr. Mark Udall, CO		✓	
Mrs. Napolitano, CA		✓		Mr. Baca, CA		✓	
Mr. Fortuño, PR				Ms. Solis, CA			
Mr. Holt, NJ				Ms. Herseth Sandlin, SD		✓	
Mrs. McMorris Rodgers, WA	✓			Mr. Shuler, NC		✓	
Mr. Grijalva, AZ		✓					
				Total	9	18	

Markups - 1/3 to meet (16), 25 to report
November 19, 2007 (10:52am)

Representative Bishop (R-UT) offered an amendment to direct that each of the studies authorized by H.R. 3998 describe the effects of any recommendation on state or local laws regarding hunting, fishing and the possession or use of a weapon, trap or net. Subcommittee Chairman Grijalva offered an amendment to the amendment to direct that each study document the state and local laws governing hunting and fishing within the study area. The Grijalva second degree amendment was agreed to by voice vote, and the Bishop amendment, as amended, was agreed to by voice vote.

Representative Bishop offered an amendment to Title VIII to direct that, in conducting the special resource study, the Secretary of the Interior consult with owners of private property within and adjacent to the Santa Monica National Recreation Area regarding the effects of existing wildfire prevention practices on such property owners. Subcommittee Chairman Grijalva offered an amendment to the amendment to direct that the Secretary document the process used to develop the existing Santa Monica Mountains National Recreation Area Fire Management Plan and Environmental Impact Statement and all activity conducted pursuant to that plan designed to protect lives and property from fire. The Grijalva second degree amendment was agreed to by voice vote, and the Bishop amendment, as amended, was agreed to by voice vote.

Representative Bishop offered an amendment to strike a portion of the study area in Title IX (Stranahan House). The amendment was not agreed to by a rollcall vote of 8 yeas and 22 nays, as follows:

COMMITTEE ON NATURAL RESOURCES
U.S. House of Representatives
110th Congress

Date: November 7, 2007

Convened:

Adjourned

Meeting on: **Markup of 3998 - Amendment offered by Mr. Bishop #10, WAS NOT AGREED TO by a roll call vote of 8 Yeas and 22 nays.**

☑ Recorded Vote

Vote # 2

Total: Yeas: 8

Nays: 22

MEMBERS	Yea	Nay	Pres	MEMBERS	Yea	Nay	Pres
Mr. Rahall, WV		✓		Mr. Jindal, LA			
Mr. Young, AK	✓			Mrs. Bordallo, Guam		✓	
Mr. Miller, CA				Mr. Gohmert, TX			
Mr. Saxton, NJ				Mr. Costa, CA		✓	
Mr. Markey, MA				Mr. Cole, OK			
Mr. Gallegly, CA				Mr. Boren, OK			
Mr. Kildee, MI		✓		Mr. Bishop, UT	✓		
Mr. Duncan, TN				Mr. Sarbanes, MD		✓	
Mr. DeFazio, OR		✓		Mr. Shuster, PA			
Mr. Gilchrest, MD				Mr. Hinchey, NY			
Mr. Faleomavaega, AS		✓		Mr. Heller, NV	✓		
Mr. Cannon, UT	✓			Mr. Kennedy, RI		✓	
Mr. Abercrombie, HI		✓		Mr. Sali, ID	✓		
Mr. Tancredo, CO	✓			Mr. Kind, WI		✓	
Mr. Ortiz, TX				Mr. Lamborn, CO	✓		
Mr. Flake, AZ				Mrs. Capps, CA		✓	
Mr. Pallone, NJ		✓		Ms. Fallin, OK			
Mr. Pearce, NM				Mr. Inslee, WA		✓	
Mrs. Christensen, VI		✓		Vacancy			
Mr. Brown, SC	✓			Mr. Mark Udall, CO		✓	
Mrs. Napolitano, CA		✓		Mr. Baca, CA		✓	
Mr. Fortuño, PR				Ms. Solis, CA		✓	
Mr. Holt, NJ				Ms. Herseth Sandlin, SD		✓	
Mrs. McMorris Rodgers, WA		✓		Mr. Shuler, NC		✓	
Mr. Grijalva, AZ		✓					
				Total	8	22	

Markups - 1/3 to meet (16), 25 to report
November 19, 2007 (10:53am)

Representative Bishop offered an amendment to Title X (Butterfield Overland Trail) to require that the Secretary also study the effects on private property owners in the study area, including any changes in land values, the possibility of restrictive zoning, or the need for land acquisition. The amendment was not agreed to by voice vote.

Representative Bishop offered an amendment to express the sense of Congress that any subsequent legislation affecting the status of the areas subject to the special resource studies authorized under H.R. 3998 should be supported by the results of those studies. The amendment was agreed to by voice vote.

Representative Bishop offered an amendment to define “reasonable” efforts to contact landowners or consult with landowners concerning the studies authorized in the bill as requiring actual contact through telephone, mail or electronic mail. The amendment was subsequently withdrawn.

The bill, as amended, was then ordered favorably reported to the House of Representatives by voice vote.

SECTION-BY-SECTION ANALYSIS

Section 1. Short title

Section 1 provides that the Act may be cited as “America’s Historical and Natural Legacy Study Act.”

Section 2. Secretary

Section 2 defines the term “Secretary” to mean the Secretary of the Interior.

Section 3. Table of contents

Section 3 provides a table of contents for the legislation.

Title I—Harry S Truman Birthplace Study Act

Title I directs the Secretary to complete a special resource study of the Harry S Truman Birthplace State Historic Site in Lamar, Missouri. Section 102(a) specifies that the Secretary is to study the site not only for possible addition to the Harry S Truman National Historic Site but also for possible management and interpretation by other public or private entities.

Title II—Lewis and Clark National Historic Trail Extension Study Act

Title II directs the Secretary to complete a special resource study of sites associated with the preparation or return phases of the Lewis and Clark expedition, commonly referred to as the “Eastern Legacy” sites in Virginia, the District of Columbia, Maryland, Delaware, Pennsylvania, West Virginia, Ohio, Kentucky, Tennessee, Indiana, Missouri and Illinois, including the routes followed by Meriwether Lewis and William Clark, whether separately or together, as possible additions to the Lewis and Clark National Historic Trail.

Title III—Battle of Matewan Study Act

Title III directs the Secretary to complete a special resource study of the sites and resources at Matewan, West Virginia, associ-

ated with the Battle of Matewan (also known as the Matewan Massacre) of May 19, 1920. Section 302(a) requires the site to be studied not only for possible designation as a unit of the National Park System but also for possible management and interpretation by other public or private entities.

Title IV—Battle of Camden Study Act

Title IV directs the Secretary to complete a special resource study of the site of the Battle of Camden fought in South Carolina on August 16, 1780, and the site of Historic Camden, which is currently a National Park System Affiliated Area. Section 402(a) requires these sites to be studied not only for possible designation as a unit or units of the National Park System but also for possible management and interpretation by other public or private entities.

Title V—Mississippi River Study Act

Title V directs the Secretary to complete a special resource study along the route of the Mississippi River in the counties contiguous to the river from its headwaters in the State of Minnesota to the Gulf of Mexico. The study is to examine a wide range of alternatives for conservation and interpretation of sites along the river, including potential addition of all or portions of the route as part of the National Trails System.

Title VI—Fort San Gerónimo Study Act

Title VI directs the Secretary to complete a special resource study of Fort San Gerónimo (also known as “Fortín de San Gerónimo del Boquerón”) and other related resources in the Commonwealth of Puerto Rico for possible inclusion in the San Juan National Historic Site or management by other public or private entities.

Title VII—Wolf House Study Act

Title VII directs the Secretary to complete a special resource study of the Wolf House located on Highway 5 in Norfolk, Arkansas. Section 702(a) requires the site to be studied not only for possible designation as a unit of the National Park System but also for possible management and interpretation by other public or private entities.

Title VIII—Rim of the Valley Corridor Study Act

Title VIII directs the Secretary to complete a special resource study of the area known as the Rim of the Valley Corridor, generally including the mountains encircling the San Fernando, La Crescenta, Santa Clarita, Simi and Conejo Valleys in California, for potential addition to the Santa Monica Mountains National Recreation Area or management by other public or private entities.

Title IX—Stranahan House, Trading Post and Campsite Study Act

Title IX directs the Secretary to complete a special resource study of the Stranahan House and the adjacent lot. Section 902(a) requires the sites to be studied not only for possible designation as a unit of the National Park System but also for possible management and interpretation by other public or private entities.

Title X—Butterfield Overland Trail Study Act

Title X directs the Secretary to complete a special resources study along the “Ox-Bow Route” of the Butterfield Overland Trail in the states of Missouri, Tennessee, Arkansas, Oklahoma, Texas, New Mexico, Arizona and California. The study is to include alternatives for potential addition of the trail area to the National Trails System.

Title XI—Sense of Congress

Title XI expresses the sense of Congress that any subsequent legislation affecting the status of the areas studied under the bill should be supported by the results of those studies.

COMMITTEE OVERSIGHT FINDINGS AND RECOMMENDATIONS

Regarding clause 2(b)(1) of rule X and clause 3(c)(1) of rule XIII of the Rules of the House of Representatives, the Committee on Natural Resources’ oversight findings and recommendations are reflected in the body of this report.

CONSTITUTIONAL AUTHORITY STATEMENT

Article I, section 8 of the Constitution of the United States grants Congress the authority to enact this bill.

COMPLIANCE WITH HOUSE RULE XIII

1. Cost of Legislation. Clause 3(d)(2) of rule XIII of the Rules of the House of Representatives requires an estimate and a comparison by the Committee of the costs which would be incurred in carrying out this bill. However, clause 3(d)(3)(B) of that rule provides that this requirement does not apply when the Committee has included in its report a timely submitted cost estimate of the bill prepared by the Director of the Congressional Budget Office under section 402 of the Congressional Budget Act of 1974.

2. Congressional Budget Act. As required by clause 3(c)(2) of rule XIII of the Rules of the House of Representatives and section 308(a) of the Congressional Budget Act of 1974, this bill does not contain any new budget authority, spending authority, credit authority, or an increase or decrease in revenues or tax expenditures.

3. General Performance Goals and Objectives. As required by clause 3(c)(4) of rule XIII, the general performance goal or objective of this bill is to authorize the Secretary of the Interior to conduct special resource studies of certain lands and structures to determine the appropriate means for preservation, use, and management of the resources associated with such lands and structures.

4. Congressional Budget Office Cost Estimate. Under clause 3(c)(3) of rule XIII of the Rules of the House of Representatives and section 403 of the Congressional Budget Act of 1974, the Committee has received the following cost estimate for this bill from the Director of the Congressional Budget Office:

H.R. 3998—America’s Historical and Natural Resources Legacy Study Act

Summary: H.R. 3998 would direct the National Park Service (NPS) to conduct special resource studies of ten areas throughout the United States. The studies, which would be completed over a

three-year period, would determine the suitability and feasibility of adding the areas to the National Park System. Assuming appropriation of the necessary amounts, CBO estimates that implementing the bill would cost \$3 million over the 2008–2010 period. Enacting the bill would have no effect on revenues or direct spending.

The bill contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act (UMRA) and would not affect the budgets of state, local, or tribal governments.

Estimated cost to the Federal Government: The estimated budgetary impact of H.R. 3998 is shown in the following table. The costs of this legislation fall within budget function 300 (natural resources and environment).

	By fiscal year, in millions of dollars—				
	2008	2009	2010	2011	2012
CHANGES IN SPENDING SUBJECT TO APPROPRIATION					
Estimated Authorization Level	1	1	1	0	0
Estimated Outlays	1	1	1	0	0

Basis of estimate: Based on information provided by the NPS, CBO estimates that carrying out the 10 required studies would cost about \$300,000 each and would be completed over the next three years. The study areas include:

- The Harry S Truman Birthplace in Missouri,
- Sites in 11 states and the District of Columbia associated with the Lewis and Clark expedition,
- Sites in West Virginia associated with the Battle of Matewan,
- The site of the Battle of Camden in South Carolina,
- Counties in several states along the Mississippi River,
- Fort San Geronimo in Puerto Rico,
- The Wolf House in Arkansas,
- The area known as the Rim of the Valley Corridor in California,
- The Stranahan house, trading post, and campsite in Florida, and
- The Ox-bow Route of the Butterfield Overland Trail, which runs through eight states.

Intergovernmental and private-sector impact: H.R. 3998 contains no intergovernmental or private-sector mandates as defined in UMRA and would not affect the budgets of state, local, or tribal governments.

Estimate prepared by: Federal costs: Deborah Reis; Impact on state, local, and tribal governments: Melissa Merrell; Impact on the private sector: Amy Petz.

Estimate approved by: Peter H. Fontaine, Assistant Director for Budget Analysis.

COMPLIANCE WITH PUBLIC LAW 104–4

This bill contains no unfunded mandates.

EARMARK STATEMENT

H.R. 3998 does not contain any congressional earmarks, limited tax benefits, or limited tariff benefits as defined in clause 9(d), 9(e) or 9(f) of rule XXI.

PREEMPTION OF STATE, LOCAL OR TRIBAL LAW

This bill is not intended to preempt any State, local or tribal law.

CHANGES IN EXISTING LAW

If enacted, this bill would make no changes in existing law.

DISSENTING VIEWS

We oppose H.R. 3998 for both substantive and procedural reasons. Seven of the ten Titles and their underlying bills are good bills that should have passed out of Committee by unanimous consent. They are: The Harry S Truman Birthplace Study Act, The Lewis and Clark National Historic Trail Extension Study Act, Battle of Matewan Study Act, Battle of Camden Study Act, Fort San Geronimo Study Act, Wolf House Study Act, and the Butterfield Overland Trail Study Act. The Stranahan House, Trading Post and Campsite Study Act is unworthy of passage and could have serious implications for private property rights.

Title IX, the Stranahan House, Trading Post and Campsite Study Act is part of a continuing attempt by the owners and some very wealthy supporters of the Stranahan House in Fort Lauderdale, Florida to stop development by almost any means necessary on adjacent private land. The owners of the adjacent property located at 500 East Las Olas Boulevard have successfully fought the Stranahan House for nearly a decade to have use of the land they own. These efforts have included the Stranahan House getting the City of Fort Lauderdale to condemn the land (which a court dismissed) and filing numerous suits against the property owners and the city to stop development. By directing the National Park Service, which did not support the underlying bill H.R. 3120, to study the adjacent property the bill will cast a threatening shadow of condemnation over the property and threatening further interference with the landowner's private property rights. All evidence shows that Members who were asked to cosponsor H.R. 3120 were not told it included studying land owned by unwilling participants. Incredibly, only after the hearing on H.R. 3120 was the owners of 500 East Las Olas Boulevard informed they were included in the study. Real estate appraisers currently value the property at approximately \$90 million dollars.

Committee Democrats claim that this is "just a study" and is needed "to know what used to be there and was of historical and cultural importance." How can a study of this type that specifically names a particular parcel of property not interfere with the use of a landowner's property? Given the history of abuse by the owners and supporters of the Stranahan House it is likely that ANY finding of "historical and cultural importance" during the course of the study will likely be used as justification for either condemning the land or restricting the use of the property by local officials or the National Park Service to "preserve" the Stranahan House. The owners of 500 East Las Olas Boulevard, in addition to spending millions defending the right to have domain over their property, have repeatedly stated in letters to Congress and the press that they in no way wish to participate in the study or wish to sell their land. At mark up, every Democrat present voted against an amend-

ment to remove the private landowners who did not want their property studied. In an editorial about a recent legal loss by the Stranahan House against the adjacent landowners, even the liberal Fort Lauderdale Sun Sentinel stated "it's time Stranahan House advocates finally realize it's time to fold 'em." This bill will only breath new life into this abuse of power.

This bill illustrates how Committee Democrats have ushered in a new era of "Park Barrel Politics", an egregious practice of greasing the skids of bad bills through the legislative process by bundling together truly terrible park bills with worthy ones in massive omnibus packages to win votes. The less debate and the faster it can be rammed through the House, the better it is for the Majority. Committee Democrats quickly scuttled their promise to hold National Parks, Forests, and Public Lands Subcommittee mark ups after the first and only one they held produced healthy debate and votes on amendments. A Subcommittee mark up on H.R. 3998 may have cured many of the problems the bill has. Committee Democrats laughably tried to insinuate that H.R. 3998 has 82 cosponsors by adding up all the cosponsors of the 10 underlying bills. Support of part is not support of all. How one can claim support of a bill to study the birthplace of President Truman can be translated into support for a study of the most expensive National Park in our Nation's history is beyond reason.

Committee Democrats clearly displayed their anti-private property and Second Amendment rights agenda in markup by gutting simple Republican amendments. One such amendment would have required the National Park Service to disclose the changes that will be imposed on hunting rights on newly acquired federal land. Another amendment would have required the National Park Service to include in their study the impact federalization will have on the risk of wildfire and the ensuing fire insurance rate increases. We are troubled that the Democrats are so eager to federalize private and state land, but are unwilling to allow the public to find out what the consequences are.

In conclusion, while this bill is flawed, we look forward to finding reasonable compromises on the Floor of the House under an open rule where a fair and open debate may occur.

DON YOUNG.
 ROB BISHOP.
 CATHY McMORRIS RODGERS.
 CHRIS CANNON.

